

**TOWN OF ERWIN  
PLANNING BOARD/BOARD OF ADJUSTMENTS  
MONDAY, APRIL 15, 2024, AT 7:00 PM  
ERWIN MUNICIPAL BUILDING BOARD ROOM**

**AGENDA**

- 1. MEETING CALLED TO ORDER**
  - A. Invocation
  - B. Pledge of Allegiance
  
- 2. CONSENT AGENDA**
  - A. Planning Board Minutes from Regular Meeting on March 18, 2024 (**Page 2**)
  
- 3. OLD BUSINESS**
  - A. Updates
  
- 4. NEW BUSINESS**
  - A. Corner Lot Text Amendment (**Page 8**)
  - B. Drainage Easement Text Amendment (**Page 10**)
  - C. Multi-Family & Duplex Text Amendment (**Page 11**)
  - D. Outdoor Storage Text Amendment (**Page 12**)
  - E. Penalty Text Amendment (**Page 14**)
  - F. Private Roads Text Amendment (**Page 17**)
  - G. Street Access Text Amendment (**Page 20**)
  
- 5. ADJOURNMENT**

PLANNING BOARD  
MEETING MINUTES  
MONDAY, MARCH 18, 2024  
ERWIN, NORTH CAROLINA

The Town of Erwin Planning Board held its regular meeting in the Erwin Municipal Building Board Room 100 West F Street, Erwin NC on Monday, March 18, 2024, at 7:00 PM.

Board members present were Vice Chairperson Ronald Beasley, In-Town Board Members Kathryn Moore, and Rebecca Kelly, and Out-of-Town Board Members Nicholas Skatell and Howard Godwin.

Board members absent were: Chairperson Joshua Schmieding, In-Town Board Member Jim Hartman, and In-Town Alternate Vanessa Lech.

Town Manager Snow Bowden, Town Planner Dylan Eure, Town Clerk Lauren Evans, and Deputy Town Clerk Katelan Blount were present.

Vice Chairperson Ronald Beasley called the meeting to order at 7:00 PM.

Board Member Rebecca Kelly gave the Invocation.

Board Member Nicholas Skatell led the Pledge of Allegiance.

CONSENT ITEMS

Board Member Rebecca Kelly made a motion to approve the minutes of February 19, 2024, and was seconded by Kathryn Moore. **The Board voted unanimously.**

OATH OF OFFICE

Deputy Town Clerk Katelan Blount administered the Oath of Office for Grace Watts, In-Town Board Member.

OLD BUSINESS

**Updates:**

Town Planner Dylan Eure informed the Board that ZT2024-001 on Hog Heaven Road was approved by the Town Board. The Golf Course Text Amendment was also approved. The Town Board tabled the updated ZT2024-002, and has sent back the ROW Text Amendment for updates.

NEW BUSINESS

**Red Hill Church Road Preliminary Plat**

Town Planner Dylan Eure informed the Board that the Town of Erwin received a preliminary major subdivision plat for 12 single family homes to be built off Red Hill Church Road, Harnett County Tax Pin 1507-47-5272. The applicant is Long Land Development. Said subdivision would be in the Town's Planning Jurisdiction, approximately .6 miles north of the corporate limits. The development would be approximately 8.13 acres in size.

Vice Chairperson Ronald Beasley asked if there were any issues with flooding or drainage with the other houses in the area.

Town Planner Dylan Eure explained the watershed and HUC status.

Vice Chairperson Ronald Beasley asked if anyone was present to speak in favor of the request.

Tyler Long of Long Land Development, and David Arnold of Arnold Engineering both came forward on behalf of this request.

David Arnold stated that the elevation of where they would be building was above the natural drainage of the property, and that the building has a natural crown or crest within the property.

Board Member Grace Watts asked if there were already drainage pipes on the property.

Board Member Nicholas Skatell asked if there were any issues with draining or major erosion on the property.

David Arnold explained they would going through the State for proper permits, and will be using erosion fencing to keep any dirt and sediment from running into the road and would be ensuring that natural drainage was protected. Once lots are sold, the builders would be responsible to ensure sediment stays on individual lots.

Board Member Rebecca Kelly asked if these lots would be on septic.

Vice Chairperson Ronald Beasley asked if anyone was present to speak against the request.

No one came forward.

Board Member Nicholas Skatell made a motion to approve this request, which was seconded by Grace Watts. **The Board voted unanimously.**

### **Accessory Dwelling Unit Text Amendment**

The Town of Erwin received a petition to amend its Code of Ordinances to allow for accessory dwelling structures in all residential districts. The request was made by Rickey Davis of BARZ Holdings. Said amendment would add the proposed definition of accessory dwelling units to Chapter 36, Article 2, entitled Definitions, along with the proposed regulations within the same chapter under Article XV, entitled General Provisions. The purpose of this petition would be to increase the amount of affordable living options within the town. Per the 2023 Erwin Land Use Plan Goal 1, LUH, 4.2, states that accessory dwellings are to be allowed and are desirable to increase housing options.

Vice Chairperson Ronald Beasley asked if anyone was present to speak for this request.

Rickey Davis of BARZ Holdings came forward. He explained that his daughter would soon be graduating college and would be unable to afford housing on her own. He would like to have a small accessory dwelling unit on his property in order for her to have housing. He is also wanting to help families that may be living in their cars or in a hotel.

*Board Member Howard Godwin arrived at 7:12 PM*

Board member Rebecca Kelly asked if this was on his personal land or if this was land he'd purchased for investment.

Rickey Davis replied that he would be wanting to do both. He would like to be able to have his daughter live in a smaller unit on his property, but that he would also like to help people not be in hotels, living in cars.

Vice Chairperson Ronald Beasley asked if this regulation was in line with other municipalities.

Town Planner Dylan Eure explained that the Town of Erwin is one of the only in our area who do not have an ordinance allowing this.

Board Member Rebecca Kelly asked if there would be reduced setbacks to accommodate these dwellings.

Town Manager Snow Bowden explained the rear setbacks that would allow for this amendment.

Board Member Nicholas Skatell made a motion to approve this request, which was seconded by Board Member Rebecca Kelly. **The Board voted unanimously.**

### **ZT-2024-003**

The Town of Erwin wishes to create an additional zoning layer that reaches 600ft in either direction of the center line of U.S. 421 / East Jackson Boulevard. This would require additional development regulations for all non-residential and non-religious institutions that may develop or expand in the future. This would include additional standards for building materials, landscaping, parking, and sidewalk/streetscape standards.

Board Member Rebecca Kelly asked if this would apply to single family homes and apartment homes or complexes.

Town Planner Dylan Eure clarified that it would not apply to any single family homes but would apply to apartment complexes should they build along U.S. 421.

Board Member Kathryn Moore motioned to approve this text amendment, which was seconded by Board Member Rebecca Kelly. **The motion passed 4 to 1 (Howard Godwin).**

### **ROW Text Amendment**

The Town Board has sent back the ROW Text Amendment, requesting changes. Town Staff has made updates to the proposed changes to Chapter 12 Article IV Weeds, Hedges, Tall Grass, and Other Vegetation, specifically under Section 12-92, entitled Definitions, under Item 7 in the Erwin Code of Ordinances. The updated proposed text reads:

- (1) Weeds or vegetation allowed to grow to a height greater than 12 inches on the average, or any accumulation of dead weeds, grass, or brush extending from the owner's private property into the public right-of-way to the to the edge of the public street, on any occupied lot, that my provide safe haborage for rats, mice, snakes, and other vermin;
- (9) Under no circumstances shall the administrator require the property owner to maintain vegetation placed or caused by the Town of Erwin, either intentionally or unintentionally.

Vice Chairman Ronald Beasley asked if this meant that the resident would be responsible for maintaining the ditches. There was discussion among the members.

Board Member Howard Godwin motioned to table this text amendment, which was seconded by Board Member Kathryn Moore. **The motion to table was unanimously approved.**

### **Outdoor Storage Text Amendment**

Town Staff prepared a proposed text amendment to Chapter 36 of the Erwin Code of Ordinances, within Article 2, entitled "Definitions". The proposed amendment would require all future outdoor storage

locations to adhere to additional regulations for setbacks, screening requirements, and permitted locations. This is an actionable task under the 2023 Erwin Land Use Plan under Goal 1, LUH 7.

Board Member Rebecca Kelly asked if this would be only for businesses, or if it would apply to residences as well.

Board Member Howard Godwin asked if this would apply to existing businesses or only new businesses.

Town Manager Snow Bowden clarified that it would be only for new businesses and staging areas, such as temporary construction storage.

Board Member Howard Godwin motioned to table this amendment, which was seconded by Board Member Nicholas Skatell. **The motion to table passed 4 to 1 (Rebecca Kelly).**

### **Penalty Text Amendment**

Town Staff prepared an amendment to Chapter 36 of the Erwin Code of Ordinances within Article XX, Administration and Enforcement, Section 36-584 Penalty. Said amendment would allow staff to enforce code and zoning regulations throughout the Town of Erwin, including language to allow for higher fines. This is to ensure faster compliance with code enforcement.

Board Member Kathryn Moore asked if this would be for any violation, and what the timeframes would be.

Town Planner Dylan Eure explained that it would typically be 15 days, but that it was enforced by Town Code Enforcement Officer, Chris Jones.

Board Member Rebecca Kelly asked is there would be consideration given to elderly or low-income residents.

Board Member Nicholas Skatell motioned to approve the text amendment, which was seconded by Board Member Rebecca Kelly. **The Board voted unanimously.**

### **Arcades Text Amendment**

Town Staff has prepared a proposed text amendment to Chapter 36 entitled Zoning, under articles 2, 8, and 11. This would add the proposed definition of “Arcades”, as well as adding Arcades as a proposed permitted use to M-1 and CB zoning areas.

The motion to approve the text amendment was made by Board Member Nicholas Skatell, and was seconded by Board Member Rebecca Kelly. **The Board voted unanimously.**

### **Axe Throwing Text Amendment**

Town Staff has prepared a proposed text amendment to Chapter 36 entitled Zoning, under articles 2, 8, 10, and 11. This would add the proposed definition of “Axe Throwing”, as well as adding Axe Throwing Facilities as a proposed permitted use to B-2, M-1 and CB zoning areas.

The motion to approve the text amendment was made by Board Member Nicholas Skatell, and was seconded by Board Member Howard Godwin. **The motion passed 4 to 1 (Grace Watts).**

### **Bowling Alley Text Amendment**

Town Staff has prepared a proposed text amendment to Chapter 36 entitled Zoning, under articles 2, 10, and 11. This would add the proposed definition of “Bowling Alley”, as well as adding Bowling Alleys as a proposed permitted use to B-2 zoning areas, and special use in M-1 Zoning areas.

The motion to approve the text amendment was made by Board Member Rebecca Kelly, and was seconded by Board Member Howard Godwin. **The Board voted unanimously.**

### **Escape Room Text Amendment**

Town Staff has prepared a proposed text amendment to Chapter 36 entitled Zoning, under articles 2, 8, 10, and 11. This would add the proposed definition of “Escape Room”, as well as adding Escape Room Facilities as a proposed permitted use in B-2, M-1, and CB zoning areas.

The motion to approve the text amendment was made by Board Member Kathryn Moore, and was seconded by Board Member Nicholas Skatell. **The motion passed 4 to 1 (Grace Watts).**

### **Laser Tag Text Amendment**

Town Staff has prepared a proposed text amendment to Chapter 36 entitled Zoning, under articles 2, 10, and 11. This would add the proposed definition of “Laser Tag”, as well as adding Laser Tag Facilities as a proposed permitted use in B-2 and M-1 zoning areas.

The motion to approve the text amendment was made by Board Member Nicholas Skatell, and was seconded by Board Member Howard Godwin. **The Board voted unanimously.**

### **Pool Hall Text Amendment**

Town Staff has prepared a proposed text amendment to Chapter 36 entitled Zoning, under articles 2, 8, 10, and 11. This would add the proposed definition of “Pool Hall”, as well as adding Pool Halls as a proposed special use in B-2 zoning areas.

Board Member Rebecca Kelly asked if this amendment would apply only on the highways/B-2 area.

Town Planner Dylan Eure clarified the areas within B-2 zoning by showing on a map.

Board Member Howard Godwin asked if previous businesses, like Brad’s Pool Room, would be grandfathered.

Town Planner Dylan Eure answered in the affirmative.

Vice Chairperson Ronald Beasley asked if this was going to be a possibility in the new businesses coming into the old Mill complex.

Board Member Kathryn Moore made a motion to Amend. Board Member Nicholas Skatell seconded the motion. **The Board voted unanimously to amend.**

The following amendments were made: Pool Halls will be defined as facility with 3 or more pool tables, within M-1 as well as B-2 and permitted use rather than Special Use.

**The Board approved the above changes unanimously.**

### **Rage Room Text Amendment**

Town Staff has prepared a proposed text amendment to Chapter 36 entitled Zoning, under articles 2, 8, 10, and 11. This would add the proposed definition of “Rage Room”, as well as adding Rage Room Facilities as a proposed permitted use in B-2, CB, and M-1 zoning areas.

Board Member Nicholas Skatell asked if there would be a requirement for certain square footage of the facility/rooms, and if there would be any firearms allowed.

The motion to approve the text amendment was made by Board Member Nicholas Skatell, and was seconded by Board Member Kathryn Moore. **The motion passed 4 to 1 (Grace Watts).**

### **CLOSING COMMENTS**

Vice Chairperson Ronald Beasley asked the Board if there were any additional comments or concerns.

He then asked where the Town stood on the St. Matthews subdivision.

Town Manager Snow Bowden explained that there is a utility hold up with the State of North Carolina has to grant access to install water lines, as well as a grant that the Town received that was transferred to Harnett Regional Water. Harnett Regional Water will now have to put out a bid to find someone qualified to install the lines. Mainly this is just a red tape issue.

### **ADJOURNMENT**

Board Member Nicholas Skatell made a motion to adjourn the meeting at 8:17 PM and was seconded by Rebecca Kelly. **Motion unanimously approved.**

**Minutes recorded and typed by**

**Katelan Blount, Deputy Town Clerk**

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**Joshua Schmieding**

**Chairperson**

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**Katelan Blount**

**Deputy Town Clerk**

# Erwin Planning Board

## REQUEST FOR CONSIDERATION

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To: Erwin's Planning Board Members  
From: Dylan Eure, Town Planner  
Date: April 15, 2024  
Subject: Corner Lot Text Amendment

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Town Staff has prepared a proposed text amendment to Chapter 36 entitled Zoning under Articles IV, V, VI, VI-A, VII, VII-A within Sections 36-81, 36-118, 36-147, 36-156, 36-175, and 36-185. Said amendment to the Erwin Code of Ordinances would require corner lots that are zoned under residential to have additional side setbacks for the purpose of the safety of the owners along with visibility for drivers. The proposed language for the amendment is as follows:

RD: minimum required side yard abutting a right-of-way on corner lots: 24ft

R-15: minimum required side yard abutting a right-of-way on corner lots: 20ft

R-10: minimum required side yard abutting a right-of-way on corner lots: 20ft

RMV: minimum required side yard abutting a right-of-way on corner lots: 15ft

R-6: minimum required side yard abutting a right-of-way on corner lots: 16ft

DMV: minimum required side yard abutting a right-of-way on corner lots: 15ft

By amending our code, it would increase the side setbacks for corner lot homes to the amount of the front setback. This amendment would not remove any current language from Erwin's dimensional requirements for homes but rather create additional regulation for only the side of the homes abutting a right-of-way on a corner parcel. Town Staff wishes to amend the current code to ensure the safety of residents who may be purchasing a corner lot home in Erwin, along with ensuring visibility for those turning off of a street that have homes on the corner lot.

Per NC General Statute 160A-306 states that municipal governments may adopt building setback requirements in order to promote the safety of the community. Therefore, Erwin is within proper legal standing to enact additional setback regulations at the recommendation of the Town Planning Board with final approval by the Erwin Town Commissioners.

All communities within Harnett County require additional side setbacks for corner lot homes. In Wake County Knightdale, Cary, Apex, and Wake Forest all require additional side setbacks as well for homes on corner lots.

### **Proposed Amendment:**

RD: minimum required side yard abutting a right-of-way on corner lots: 24ft



R-15: minimum required side yard abutting a right-of-way on corner lots: 20ft

R-10: minimum required side yard abutting a right-of-way on corner lots: 20ft

RMV: minimum required side yard abutting a right-of-way on corner lots: 15ft

R-6: minimum required side yard abutting a right-of-way on corner lots: 16ft

DMV: minimum required side yard abutting a right-of-way on corner lots: 15ft

# Erwin Planning Board

## REQUEST FOR CONSIDERATION

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To: Erwin's Planning Board Members

From: Dylan Eure, Town Planner; Chris Jones, Town Code Enforcement Officer

Date: April 15, 2024

Subject: Drainage Easement Text Amendment

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The Town of Erwin Staff Wishes to amend Chapter 18 Article 2 Section 18-24. Within said section are the regulations in which buildings should be placed away from drainage easements. The current verbiage treats drainage easements and streams as if they are the same and both require a minimum of a 20-foot setback from the easement lines. This makes many parcels throughout the Town undevelopable due to drainage easements or watersheds. The Town of Erwin staff has benchmarked all of the surrounding municipalities within Harnett County and none of them have these additional setback requirements for drainage easements. Therefore, it is the Town of Erwin's recommendation that the setback requirements for drainage easements be that of the normal setback requirement per each individual zoning district to allow for development on lots that otherwise would be undevelopable. In areas that may be considered as watersheds or streams, permits from the US Army Corp of Engineers and/or North Carolina Department of Environmental Quality are required and their mitigation plans to be enacted based on each case. Therefore those portions of the ordinances should be removed and left to designated professionals within their specific fields.

### **Current Diction:**

#### **Chapter 18:**

"All buildings shall be set back a minimum of 20 feet from the edge of any drainage way or watershed buffer. Where the setback from a buffer area results in a greater setback from a building lot line than that required elsewhere, the requirements of this section shall control."

### **Proposed Amended Diction**

#### **Chapter 18:**

"All buildings shall be setback from any drainage way by its zoning districts setback requirements."

# Erwin Planning Board

## REQUEST FOR CONSIDERATION

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To: Erwin's Planning Board Members  
From: Dylan Eure, Town Planner  
Date: April 15, 2024  
Subject: Duplex, Multi-family – RMV- Special Use

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Town Staff has prepared a proposed text amendment to Chapter 36 entitled Zoning under Article VI-A entitled Residential Mill Village within Section 36-155. Said section is the special uses and structures for the RMV zoning district. Per the 2023 Erwin Land Use Plan under Goal 1 LUH 3 and LUH 4 state that it is desirable to allow for greater densities and other forms of non-single-family residences in medium-density zoning districts. The Land Use Plan also states specifically that they are to be placed within the RMV and DMV zoning districts. Town of Erwin staff has also received several different inquiries over the last few months about homes that were constructed to be multi-family or two-family style homes to be used as such. Due to the nature of these homes being tailored to be two-family and multi-family dwellings, these homes are challenging to flip and restore, unless the owner wants to convert the home into a single-family residence, which they were never designed to be. In order for these homes to be renovated and prevent further blight, it is the recommendation from Town Staff to allow for two-family and multi-family dwellings to be a special use within the Residential Mill Village.

### **Current definition of a two-family dwelling:**

A dwelling arranged or designed for occupancy by two families, with separate housekeeping, cooking facilities for each, and a shared wall.

### **Current definition of a multi-family dwelling:**

A dwelling arranged or designed for occupancy by three or more families, with separate housekeeping and cooking facilities for each.

### **Proposed special uses to be added to RMV:**

- Two-family dwelling
- Multi-family dwelling

# Erwin Planning Board

## REQUEST FOR CONSIDERATION

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To: Erwin's Planning Board  
Members From: Dylan Eure, Town  
Planner Date: April 15, 2024  
Subject: Outdoor Storage Facilities

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Town Staff has prepared a proposed text amendment to Chapter 36 of the Erwin Code of Ordinances within Article 2 entitled "Definitions". Said amendment would require all future outdoor storage locations to adhere to additional regulations dealing with setbacks, permitted location, and screening requirements. The purpose of this amendment is to ensure proper screening from possible unsafe equipment, limit aesthetic concerns, and prevent possible vandalization of vehicles/equipment. According to the 2023 Erwin Land Use Plan, this is a actionable task under Goal 1, LUH 7.

After benchmarking our current Code of Ordinances with all municipalities of Harnett it is my recommendation to amend our definition of outdoor storage facilities to include the following diction.

1. Outdoor Storage shall be entirely screened from the public right-of-way, public parking, or adjacent residential development by an 8 ft 100 % visual barrier. Said barrier may be a chain-linked fence with slats, wood, or vegetation that will grow to be at least 8ft.
2. Under no circumstance shall a plain chain-linked fence be acceptable.
3. Outdoor Storage shall be located entirely in the rear or side of the development.

### **Current Un-amended Diction:**

*Outdoor storage* means the placement or storage of goods, equipment, or materials outside of an enclosed building for a period of more than 48 consecutive hours. Outdoor storage shall include vehicles not for immediate sale and those not considered junk or abandoned. The term "outdoor storage" does not refer to vehicular sales and rental, licensed vehicles in use by the person occupying the property, or other minor and incidental storage, such as items specifically designed for outdoor use, including lawn furniture, outdoor grill, swing set, lawn care equipment, which would not have a negative impact on the health, safety and general welfare of adjacent property owners and land uses.

### **Proposed Amended Diction:**

*Outdoor storage* means a business in which has storage of goods, equipment, or materials outside of an enclosed building for a period of more than 1 consecutive week. Outdoor storage shall include vehicles not for immediate sale and those not considered junk or abandoned. The term "outdoor storage" does not refer to vehicular sales and rental, licensed vehicles in use by the person occupying the property, or other minor and incidental storage, such as items specifically designed for outdoor use, including lawn furniture, outdoor grill, swing set, lawn care equipment, which would not have a negative impact on the health, safety and general welfare of adjacent property owners and land uses.

1. Outdoor Storage shall be entirely screened from the public right-of-way, public parking, or adjacent residential development by an 8 ft 100 % visual barrier. Said barrier may be a chain-linked fence with slats, wood, or vegetation that will grow to be at least 8ft.
2. Under no circumstance shall a plain chain-linked fence be acceptable.
3. Outdoor Storage shall be located entirely in the rear or side of the development.

# Erwin Planning Board

## REQUEST FOR CONSIDERATION

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To: Erwin's Planning Board Members  
From: Dylan Eure, Town Planner  
Date: April 15, 2024  
Subject: Penalty Text Amendment

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The Town of Erwin Staff wishes to amend Chapter 36 of the Erwin Code of Ordinances within Article XX (10) Administration and Enforcement, Section 36-584 Penalty. Said amendment would allow staff to enforce code and zoning regulations throughout the Town of Erwin. The way the current penalties are written limits the Town from issuing higher fines which will result in faster compliance with our ordinances. This effort is to begin the process of cleaning areas of towns and ensuring zoning regulations are being properly followed.

### Legality

NC General Statutes 14-4 (Violation of local ordinances misdemeanor) states that (a) Except as provided in subsection (b) or (c) of this section, if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00).(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00).

(c) A person may not be found responsible or guilty of a local ordinance violation punishable pursuant to subsection (a) of this section if, when tried for that violation, the person produces proof of compliance with the local ordinance through any of the following:

(1) No new alleged violations of the local ordinance within 30 days from the date of the initial alleged violation.(2) The person provides proof of a good-faith effort to seek assistance to address any underlying factors related to unemployment, homelessness, mental health, or substance abuse that might relate to the person's ability to comply with the local ordinance. (1871-2, c. 195, s. 2; Code, s. 3820; Rev., s. 3702; C.S., s. 4174; 1969, c. 36, s. 2; 1985, c. 764, s. 2; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1991, c. 415, s. 1; c. 446, s. 1; 1993, c. 538, s. 8; c. 539, s. 9; 1994, Ex. Sess., c. 24, ss. 14(b), 14(c); 1995, c. 509, s. 133.1; 2021-138, s. 13(c).)

### Un-amended Diction

The administrator shall be authorized to use any one or more of the methods described in this section, or action authorized by law, to ensure compliance with or to prevent a violation of the provisions of this article.

(1)*Civil penalties.* Any person, corporation, LLC or other entities, who violate any provision of this article may be subject to assessment of the maximum civil penalty of up to \$500.00 per violation.

*Civil citations.* A civil citation shall be issued by the administrator of the town planning department to any person, corporation, LLC, or other entity, failing to take corrective action according to and within the specific compliance period ordered by the administrator. Each day such violation exists after the

expiration of the compliance period shall constitute a separate offense and be charged as a separate violation. Each said violation shall be subject to a civil penalty in the amount of \$100.00 per day until such violation has reached compliance. Failure to pay the penalty within 15 days from the receipt of the notice of civil penalty shall subject said person, corporation, LLC, or other entity to a civil action in the nature of debt for the stated penalty plus any additional penalties, together with the cost of the action to be taxed by the court.

**Amended Diction**

The administrator shall be authorized to use any one or more of the methods described in this section, or action authorized by law, to ensure compliance with or to prevent a violation of the provisions of this article.

(1)*Civil penalties.* Any person, corporation, LLC or other entities, who violate any provision of this article may be subject to assessment of the maximum civil penalty of up to \$500.00 per violation.

*Civil citations.* A civil citation shall be issued by the administrator of the town planning department to any person, corporation, LLC, or other entity, failing to take corrective action according to and within the specific compliance period ordered by the administrator. Each day such violation exists after the expiration of the compliance period shall constitute a separate offense and be charged as a separate violation. Each said violation shall be subject to a civil penalty **ranging** in the amount of **\$50.00 - \$500.00** per day until such violation has reached compliance or the sum of penalties has reached the amount that it requires to fix said violations. Failure to pay the penalty within 15 days from the receipt of the notice of civil penalty shall subject said person, corporation, LLC, or other entity to a civil action in the nature of debt for the stated penalty plus any additional penalties, together with the cost of the action to be taxed by the court.

**Penalty Schedule:**

<b>Citation</b>	<b>Penalty</b>
Warning Citation	N/A
Official Citation	\$50
Second Citation	\$100
Third Citation	\$250
Fourth & Subsequent Citations	\$500

- (A) A specified time frame shall be given to render compliance to a violation as noted in the notice of violation. A mandatory re-inspection shall take place to evaluate the status of the violation at the end of the compliance period. An extension may be requested by the property owner in writing to the Administrator providing valid evidence as to the reason for failure to comply within the specified time.
- (B) The Administrator shall have the ability to amend the specific time period for compliance due to the nature of the violation if considerable work has been done in an attempt to remedy the violation or if such violation is determined to be a potential risk to the public health, safety, and general welfare.

**Compliance Schedule:**

<b>Nature of Violation</b>	<b>Specified Compliance Period</b>
Dilapidated structures	120-365 calendar days
Illegal signs	10 calendar days
Junk / abandoned cars	15 calendar days
Zoning and subdivision regulations	30 calendar days
Tall Grass / Vegetation	10 calendar days
Failure to adhere to permit or special use permit	30 calendar days
Any other violation	30 calendar days



# Erwin Planning Board

## REQUEST FOR CONSIDERATION

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To: Erwin's Planning Board Members  
From: Dylan Eure, Town Planner  
Date: April 15, 2024  
Subject: Private Streets Text Amendment

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The Town of Erwin Staff wishes to amend Chapters 30 and 36 within Article IV Section 30-107, 30-75, Article III Section 30-80 within Chapter 30 and within Chapter 36 Article XXII Section 36-642 for the purpose of correcting contradictory statements that are within the Erwin Code of Ordinances. Within the said sections are the regulations for subdivision design, more specifically private streets being created along with regulations for applications for conditional use. The language reads as follows:

### **30-107**

“Every lot shall front or abut a public street or shall have access to a public street via an approved private street or drive. Approved private streets and drives shall meet the following requirements:

A. The street or drive must be adequately designed to allow access by public service and public safety vehicles.

B. A permanent easement shall be recorded allowing use by the lot owners and building occupants; and by public service and safety agencies.

C. The developer/subdivider shall execute and record an approved statement waiving any claims for damages resulting from normal use by public service and safety agencies, waiving rights to request municipal maintenance in the future (unless designed and constructed to town street standards), acknowledging public agencies' rights to discontinue services unless the street or drive is maintained property, and establishing responsibility for continuing maintenance of the private nature of the street or drive shall also be included as covenant in all transfers of lots or units in the development.

D. Private streets and drives shall be clearly labeled "private" on all plats.”

### **30-75**

“(B) A minor subdivision is defined as one involving no new or private streets or roads, or right-of-way dedication, and no utility extension”

### **30-80**

“Type of street dedication; all streets must be designated either "public" or private.””

**36-642**

“The site-specific development plan shall include the following:

(3) The location and dimension of present and proposed streets and private drives, and pedestrian facilities”

However, within the same Chapter under Section 30-75 entitled “Procedure for review of major or minor subdivisions” states that:

“Any subdivision which allows a maximum of three lots to be created on a 50-foot easement abutting a state- or town-maintained road which meets the following requirements:

B. An easement cannot be created off of an existing easement or privately maintained road. In addition, all new easements must have a road maintenance agreement approved and recorded alongside the subdivision plat.”

The below proposed amendments are to eliminate the creation of any additional private road in the future to ensure that roadways are properly maintained and their maintenance is left up to individual property owners.

**30-107**

~~“Every lot shall front or abut a public street or shall have access to a public street via an approved private street or drive. Approved private streets and drives shall meet the following requirements:~~

~~A. The street or drive must be adequately designed to allow access by public service and public safety vehicles.~~

~~B. A permanent easement shall be recorded allowing use by the lot owners and building occupants; and by public service and safety agencies.~~

~~C. The developer/subdivider shall execute and record an approved statement waiving any claims for damages resulting from normal use by public service and safety agencies, waiving rights to request municipal maintenance in the future (unless designed and constructed to town street standards), acknowledging public agencies' rights to discontinue services unless the street or drive is maintained property, and establishing responsibility for continuing maintenance of the private nature of the street or drive shall also be included as covenant in all transfers of lots or units in the development.~~

~~D. Private streets and drives shall be clearly labeled "private" on all plats.”~~

**30-75**

“(B) A minor subdivision is defined as one involving no new public ~~or private streets or~~ roads, or right-of-way dedication, and no utility extension”

**30-80**

“Type of street dedication; all streets must be designated either "public" ~~or private.~~”

**36-642**

“The site specific development plan shall include the following:

(3) The location and dimension of present and proposed streets ~~and private drives,~~ and pedestrian facilities”

# Erwin Planning Board

## REQUEST FOR CONSIDERATION

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To: Erwin's Planning Board Members  
From: Dylan Eure, Town Planner  
Date: April 15, 2024  
Subject: Street Access Text Amendment

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The Town of Erwin Staff wishes to amend Chapter 36 Article XV Section 36-421 for the purpose of correcting contradictory statements that are within the Erwin Code of Ordinances. Within the said section are the regulations for street access. The language reads as follows:

- “No building shall be erected on a lot which does not abut a public dedicated street for a distance of at least 50 feet in an R-6 district, 75 feet in R-10 and R-15 districts, and 100 feet in a Rural District. Cul-de-sac located in R-6, R-10, and R-15 subdivisions must abut a public dedicated street for a distance of at least 40 feet. A building in a designed shopping center in a commercial district or a planned project in a residential district may be erected adjoining a parking area or other dedicated open space used in common with other lots.”

However, within Chapter 30 Article 3 Section 30-75 states that:

- “Any subdivision which allows a maximum of ten lots to be created on a 50-foot easement abutting a state- or town-maintained road which meets the following requirements”

At the current moment, these statements contradict each other as they both give different requirements for access to publically maintained roads. This also leaves out the addition of the RMV and DMV districts. It is the staff's professional opinion that only a 50 ft easement abutting a state or town-maintained road is desirable to increase the amount of developments that may be land locked or do not have adequate frontage in order to be developed. This would not alter any width standards for any of the zoning districts but rather correct contradictory statements.

### **Amended diction of Chapter 36 Article XV Section 36-421:**

- “No building shall be erected on a lot which does not abut a public dedicated street for a distance of at least 50 feet in R-6, R-10, R-15, RMV, DMV, and RD. Cul-de-sac located within subdivisions must abut a public dedicated street for a distance of at least 40 feet. A building in a designed shopping center in a commercial district or a planned project in a residential district may be erected adjoining a parking area or other dedicated open space used in common with other lots.”